

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

Civil Writ Petition No.1625 of 1998  
Date of decision: February 18, 2008.

Bir Singh

...**Petitioner(s)**

v.

State of Punjab & Ors.

...**Respondent(s)**

CORAM:HON'BLE MR. JUSTICE SURYA KANT

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest.

Present: None for the petitioner.

Shri M.C. Berry, Sr. Dy. Advocate General, Punjab  
for the respondents.

**ORDER**

**Surya Kant, J.** - The prayer in this Civil Writ Petition is for issuance of a writ in the nature of mandamus to command the respondents to release the petitioner's gratuity amount along with interest @ 24% per annum.

The petitioner retired from the post of Deputy Forest Ranger on attaining the age of superannuation on 31.5.1991. While the other retiral benefits were paid to him, the gratuity was conditionally sanctioned subject to production of "No Dues Certificate" by him.

Notice of motion was issued and in response thereto, respondents No.1,2 and 4 as well as respondent No.5 have filed their respective replies. In their written statement, respondents No.1,2 and 4 have taken the stand that the petitioner had failed to deposit the outstanding amounts of Rs.5865.52 and Rs.2620.80 despite repeated reminders to him,

therefore, the gratuity amounting to Rs.30,360/- was withheld. It is further stated that the petitioner also failed to collect ST-XXII Forms from various firms to the tune of Rs.6,25,980.72.

So far as respondent No.5 is concerned, he has taken the stand that the petitioner having failed to produce the 'No Dues Certificate' from the competent authority, the payment of gratuity was rightly withheld.

After hearing Learned Counsel for the parties, I am of the considered view that even as per the stand taken by respondents No.1,2 and 4 in their written statement, the actual amount recoverable from the petitioner is Rs. Rs.5865.52 and Rs.2620.80. As regards the non-collection of ST-XXII Forms by him, at the best, it could be an act of dereliction of duty for which departmental disciplinary proceedings could have been initiated against him. However, no financial loss is stated to have been caused to the State Exchequer on that count. If that is so, there appears to be hardly any justification for the respondents to withhold gratuity amounting to Rs.30,360/- as against the alleged outstanding amounts of Rs.5865.52 and Rs.2620.80 only.

Consequently, and for the reasons afore-mentioned, the Writ Petition is partly allowed to the extent that the respondents are directed to release the gratuity along with interest @ 9% per annum, to be calculated w.e.f. 1<sup>st</sup> September, 1991, i.e., three months after the date of retirement till its actual payment, after deducting the amounts of Rs.5865.52 and Rs.2620.80, which is stated to be outstanding against him. The needful shall be done within a period of four months from the date of receipt of a certified copy of this order. No costs.

February 18, 2008.  
*kadyan*

[ **Surya Kant** ]  
**Judge**